

# The Massachusetts Smart Growth Conference

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## TRANSFER OF DEVELOPMENT RIGHTS – THE MASSACHUSETTS EXPERIENCE

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# Transfer of Development Rights

- TDR is a zoning technique designed to preserve farmland, open space, historic landmarks or other community assets through the transfer of density rights, or the waiver of development regulations or similar mechanisms. The “rights” can be transferred, sold or banked.
- “Sending” and “receiving” areas are normally designated under a TDR ordinance or bylaw.

## **Preservation Areas**

Watersheds  
Farmland  
Historic Buildings/land  
Conservation Land



**Transferred  
Development Rights**

Village Centers  
Downtowns  
Transit Centers  
Brownfields

## **Receiving Areas**

# Transfer of Developments Rights

## The Concept

Owner of “sending” parcel sells development rights in exchange for permanent conservation easement.



Owner of “receiving” parcel buys development rights to build at densities higher than allowed under base zoning.

## Characteristics that Support TDR Mechanisms

- **Clearly Identified Resource Areas for Protection**
- **Consensus Regarding the Location and Extent of Receiving Areas**
- **Infrastructure that can Support Increases in Density**
- **A Clearly Written Bylaw**
- **Strong Market Conditions**
- **TDR Credit Bank**
- **A Sophisticated Reviewing/Permitting Authority**
- **Open Communication between Local Agencies**

## M.G.L. Chapter 40A Section 9

- Zoning ordinances or bylaws may provide for special permits authorizing the transfer of development rights within or between districts.
- TDRs shall include incentives such as increases in density, intensity of use, amount of floor space, percentage of lot coverage etc.
- TDRs meant to protect open space, preserve farmland, promote housing for persons of low and moderate income or other community interests.